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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,513	12/26/2000	Shiro Miyagi	450100-02913	4108

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,513	Applicant(s) MIYAGI ET AL.	
	Examiner Jason T. Whipkey	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2005, has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 4-14 have been considered but are moot in view of the new grounds of rejection.

Claim Objections

3. Claims 1 and 13 are objected to as failing to comply with 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 recites the limitation "said display means" on line 25. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, "said displaying means".

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Claim 13 recites the limitation “said display means” on line 27. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, “said displaying means”.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 recites the limitation “said data” on line 11. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it simply reads, “data”.

Claim 13 recites the limitation “said data” on line 11. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it simply reads, “data”.

Claim 14 recites the limitation “said data” on line 10. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it simply reads, “data”.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 4-7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni (U.S. Patent No. 6,133,947) in view of Murphy et al. (U.S. Patent No. 6,282,362), Vincent (U.S. Patent No. 6,195,122), and Narayanaswami (U.S. Patent No. 6,504,571).

Regarding **claims 1 and 14**, Mikuni discloses a digital photographing apparatus, portably structured (see figures 12-13), for recording a photographed digital picture signal to a recording medium (RAM 10) and reproducing a digital picture signal from the recording medium, comprising:

photographing means (CCD 4 and interface circuit 6) for photographing a picture and outputting a picture signal (see column 4, lines 18-67);

signal processing means (CPU 42) for processing the picture signal supplied from said photographing means to produce a digital picture signal (see column 11, lines 8-58);

position information obtaining means (GPS 44-46) for obtaining position information, the position information including global position information (GPS is an acronym for Global Positioning System);

displaying means (display 8; see figures 12-13) for displaying the digital picture signal supplied from said signal processing means;

recording means (CPU 42) for writing to the recording medium data comprising data relating to both the digital picture signal supplied from said signal processing means and the position information supplied from said position information obtaining means (see column 11, lines 45-56);

reproducing means (CPU 42) for reproducing the digital picture signal and the position information from the recording medium (see column 8, line 36, through column 9, line 31, and column 11, line 8, through column 13, line 21);

map information obtaining means (CD-ROM 35 and player circuit 34/30; see Figure 12) for obtaining map information (see column 12, line 66, through column 13, line 21, and column 14, lines 1-65);

table creating means (CPU 42) for creating a table that associates the position information file with said map information and said picture file (see column 11, line 53, through column 12, line 9); and

controlling means (CPU 42) for referencing the table to display on said displaying means the position information on a part of the map (see figures 7, 9, 10, and 17);

Mikuni is silent with regard to having the controlling means display an icon corresponding to the position information and the map information to the display means.

Murphy discloses a camera that displays icons (260-280) on the map corresponding to the geographical locations of the corresponding captured images (see Figure 1 and column 10, lines 22-65, and column 11, lines 21-65), whereby a picture from a picture file, at a location corresponding to said icon, is displayed (see column 10, lines 55-65).

An advantage of displaying an icon on a map is that a user may easily link between geo-addressed image data and one or more geo-addressed features or locations on a digital map. For this reason, it would have been obvious at the time of invention to have Mikuni's camera display icons on a map.

Mikuni is also silent with regard to having the recording means store the digital picture signal in a picture file associated with a file that stores the obtained position information.

Vincent discloses a spatial-referenced photography system, including:

said digital picture signal being recorded as a picture file (video database 323 in Figure 5) and said position information being recorded as a position information file (positional database 322; see column 9, lines 30-36), said

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recording means associating data relating to the digital picture signal and data relating to the position information ((see column 4, line 66, through column 5, line 7);

wherein the table creating means creates the table using at least one position information file (Figure 8 shows the table structure of the database stored on disk), the table indicating correspondence relation between the obtained position information and the picture file (the table includes video frame number 730 for each record; see column 9, lines 34-36), whereby the table for the reproduced position information facilitates efficient performance of the camera (see column 9, lines 30-54).

An advantage of storing picture data and positional data in separate but related files is that both files may be accessed simultaneously while still maintaining a relationship to one another, thus increasing processing speed. For this reason, it would have been obvious at the time of invention to have Mikuni's system store positional and image data in separate, linked files.

Mikuni is also silent with regard to storing map information comprising range information comprising a set of boundary points that allow a user to choose a part of the map.

Narayanaswami discloses a digital image system, including:

map information obtaining means (ROI query module 208) for obtaining map information comprising range information defining a set of boundary points (from region boundary database 218; see column 11, lines 25-30) of a map, thereby enabling a user of the digital photographing apparatus to choose a part of

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the map using the range information (see column 11, lines 30-33, and column 12, lines 1-12).

An advantage of choosing a part of a map using range information is that a user may quickly and easily locate a specific position. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Mikuni's photographing apparatus obtain map information defining a set of boundary points on a map.

As to **claim 4**, Mikuni and Murphy teach that the position information is position information of a position at which the picture was photographed (in Mikuni, see column 11, line 8, through column 12, line 20; in Murphy, see column 9, line 27, through column 10, line 21, and column 11, line 21, through column 12, line 47).

As to **claim 5**, Mikuni and Murphy disclose position measuring means for obtaining the position information of the position at which the picture is captured (in Mikuni, see column 11, line 8, through column 12, line 20; in Murphy, see column 9, line 27, through column 10, line 21, and column 11, line 21, through column 12, line 47).

As to **claim 6**, Mikuni teaches that the map information is obtained from the same recording medium as of which the digital picture signal and position information are reproduced (see column 14, lines 51-58).

As to **claim 7**, Mikuni and Murphy teach that the map information contains range information that represents the range of the map to be displayed along with map data (in Mikuni, see column 9, line 66, through column 10, line 38; in Murphy, see column 3, line 66, through column 4, line 9).

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As to **claim 9**, Murphy teaches that if the icon is selected, a picture corresponding to the position information of the selected icon is displayed on said displaying means (see column 10, lines 22-65, and column 11, lines 21-65).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni in view of Murphy, Vincent, and Narayanaswami and further in view of DeLorme (U.S. Patent No. 5,848,373).

Claim 8 may be treated like claim 7. Additionally, Murphy teaches that an icon corresponding to the position information in the range of the map is displayed (icons 260-280 are displayed on the map shown in Figure 1; see column 10, lines 22-65, and column 11, lines 21-65). However, Murphy is silent with regard to the icon being displayed by referencing the range information.

DeLorme teaches that an icon corresponding to the position information within the range of the map is displayed by referencing range information (see column 8, line 66, through column 9, line 43). An advantage of referencing range information in order to position icons is that visual orientation by the user may be facilitated. For this reason, it would have been obvious at the time of invention to have Mikuni's device display icons by referencing range information, as described by DeLorme.

10. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni in view of Murphy, Vincent, and Narayanaswami and further in view of Yokoyama (Japanese Patent Application Publication No. 09-179491).

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Claim 10 may be treated like claim 9. However, Mikuni, Murphy, and Vincent are silent with regard to the user choosing a selection range and selecting an icon included in the selection range.

Yokoyama discloses (in the provided computer translation):

a selection range (50a in Drawing 6; see page 5, lines 34-36) for selecting an icon is set at a part of the map displayed, and the selection of the icon is performed if the icon is positioned in the selection range (as shown in Drawing 7(C), computer 50 retrieves and displays icons representative of photographs that were captured in the selected range; see page 6, lines 2-4).

An advantage of specifying a selection range and selecting icons in that selection range is that a user may preview images captured in a relevant area only. For this reason, it would have been obvious at the time of invention to have Mikuni's apparatus select icons located in a selection range.

Regarding **claim 11**, Yokoyama discloses:

the apparatus is configured to enlarge (see drawings 6(A) and 6(B) and page 5, lines 34-36) or reduce (a user can re-select a map area to be displayed; see page 6, lines 3-4) the displayed map in response to a user's operation, and change the position of the icon in response to the enlargement or reduction of the displayed map (the miniature drawings are positioned appropriately for the changed area; see page 6, lines 2-8).

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Regarding **claim 12**, Yokoyama discloses that a user can re-select a map area to be displayed, resulting in the repositioning of the icons (see page 6, lines 2-8). However, Yokoyama is silent with regarding scrolling the map.

Official Notice is taken that it is well-known in the arts of digital cameras and image-viewing devices in general that enlarged images may be scrolled to view a different image area. An advantage of doing performing such scrolling is that adjacent image areas may be easily viewed without re-selecting the desired area. For this reason, it would have been obvious at the time of invention to have Yokoyama's system permit a user to scroll around the selected image area.

Claim 13 may be treated like claims 1, 9, 10, and 12.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran, can be reached at (571) 272-7382. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

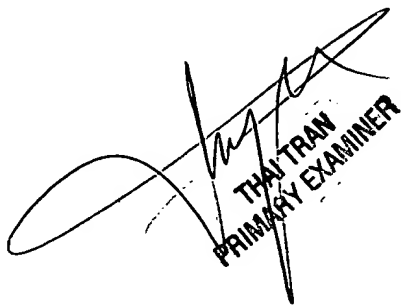
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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 4, 2005


THAI TRAN
PRIMARY EXAMINER